

Panaji, 17th August, 2000 (Sravana 26, 1922)

SERIES II No. 20

# OFFICIAL GAZETTE



## GOVERNMENT OF GOA

**GOVERNMENT OF GOA**

Department of Finance

Directorate of Accounts

**Order**

No. DA/Admn/45-2/2000-2001/TR-1106/48

On the recommendations of D.P.C. as conveyed by the Goa Public Service Commission vide their letter No. COM/II/11/1(1)/92-2000 Vol. II dated 26-6-2000, Government is pleased to promote S/Shri J. M. Lopes and A. M. Jose, Asstt. Accounts Officers of the Common Accounts Cadre to the post of Dy. Director of Accounts/Accounts Officer, Group 'B' Gazetted in the pay scale of Rs. 7450-225-11500 on adhoc basis on leave vacancies with effect from the date of taking over the charge of the post and post them as Dy. Director of Accounts in the Directorate of Accounts, Panaji.

The above adhoc promotions will be for a period till the regular officers join duty from their leave or till the posts are filled on regular basis whichever is earlier and will not bestow on the officers any claim for regular appointment/promotion and services rendered by them in the grade will not count for the purpose of seniority in the grade or for eligibility for promotion to the next grade.

On joining their new assignment, the officers shall send C.T.C./Joining report to this Directorate.

By order and in the name of the Governor of Goa.

*S. P. Karmali*, Directorate of Accounts & Ex-Officio Joint Secretary.

Panaji, 7th August, 2000.

**Order**

No. DA/Admn/45-4/2000-01/45/TR-1078

Shri R. G. Prabhudesai, Jt. Director of Accounts, presently working in the Directorate of State Lotteries, Panaji, is hereby appointed to officiate as Jt. Director of Accounts in Institute of Public Assistance (Providoria) in addition to his own duties.

Shri Prabhudesai, Jt. Director of Accounts shall be allowed to draw the pay under F. R. 49 (iii) with effect from the date of taking over charge of the post in Providoria.

This issues with the concurrence of Finance Department vide their U. O. No. F.S./5597/00 dated 1-8-2000.

By order and in the name of the Governor of Goa.

*S. P. Karmali*, Directorate of Accounts & Ex-Officio Joint Secretary.

Panaji, 2nd August, 2000.

**Department of Labour**

Office of the Commissioner of Labour

**Order**

No. CL/ESI/PF/12307/2935

On the recommendation of Goa Public Service Commission conveyed vide their letter No. COM/I/5/28(1)/92-98/Vol. dated 4-12-98, the Government is pleased to appoint Dr. (Mrs.) Pavitra V. Deshpabhu on adhoc basis on the post of Insurance Medical Officer (Group "A" Gazetted) created vide Order No. 24/9/89-LAB/pt. II/2160 dated 23-7-98 in the pay scale of Rs. 8,000-275-13,500. The appointment shall be initially for a period of six months or till the post is de-reserved or filled by appointment of O.B.C. candidate whichever is earlier. Dr. (Mrs.) Deshpabhu stands posted in E. S. I. Hospital at Margao.

Dr. (Mrs.) Deshpabhu has already been examined by the Medical Board of the Goa Medical College and found fit. Her appointment is subject to verification of character and antecedents.

By order and in the name of Governor of Goa.

R. S. Mardolker, Commissioner, Labour & Ex-Officio Jt. Secretary.

Panaji, 9th August, 2000.

### Order

No. IRM/CON/SG/(6)/1999/3947

Whereas the Government of Goa is of the opinion that an industrial dispute exists between the management of M/s. Goa Bottling Company Private Limited, Arlem, Raia, Goa, and their workman Shri Ashok N. Kamat Dhakankar, Margao, in respect of the matter specified in the Schedule annexed hereto (hereinafter referred to as the 'said dispute');

And whereas the Government of Goa considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the 'said Act'), the Government of Goa hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa, at Panaji-Goa, constituted under section 7-A of the said Act.

### SCHEDULE

- "(1) Whether the action of the management of M/s. Goa Bottling Company Private Limited, Arlem, Raia, Goa, in superannuating Shri Ashok N. Kamat Dhakankar, Sr. Sales Accountant, with effect from 6-1-1998, is legal and justified ?
- (2) If not, to what relief the workman is entitled ?"

By order and in the name of the Governor of Goa.

R. S. Mardolker, Commissioner, Labour and Ex-Officio Joint Secretary.

Panaji, 7th August, 2000.

### Order

No. IRM/CON/MAP/(139)/1999/3957

Whereas the Government of Goa is of the opinion that an industrial dispute exists between the management of M/s. Whispering Palms Beach Resorts,

Candolim-Bardez, Goa and their workman Shri Patricino Rodrigues, Candolim, Bardez-Goa, in respect of the matter specified in the Schedule annexed hereto (hereinafter referred to as the 'said dispute');

And whereas the Government of Goa considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the 'said Act'), the Government of Goa hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa, at Panaji-Goa, constituted under section 7-A of the said Act.

### SCHEDULE

- "(1) Whether the action of the management of M/s. Whispering Palms Beach Resort, Candolim-Bardez, Goa, in terminating the services of Shri Patricino Rodrigues, Captain, with effect from 30-9-1999, is legal and justified ?
- (2) If not, to what relief the workman is entitled ?"

By order and in the name of the Governor of Goa.

R. S. Mardolker, Commissioner, Labour and Ex-Officio Joint Secretary.

Panaji, 8th August, 2000.

### Order

No. CL/Pub-Awards/98/3079

The following Award dated 12-5-1999 in Reference No. IT/100/94 given by the Industrial Tribunal, Panaji-Goa, is hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

R. S. Mardolker, Ex-Officio Joint Secretary (Labour).

Panaji, 21st June, 1999.

### IN THE INDUSTRIAL TRIBUNAL GOVERNMENT OF GOA AT PANAJI

No. IT/100/94

(Before Shri Ajit J. Agni, Hon'ble Presiding Officer)

Shri Madhukar Sawal & others,  
Rep. by Shri K. V. Nadkarni,  
M-25, Housing Board Colony,  
Vidhyanagar, Gogol,  
Margao-Goa.

— Workman/Party I

V/s

1. M/s Kenkre Brothers,  
Khareband Road,  
Margao-Goa.
2. Shri Mohan Kenkre, Partner  
M/s Kenkre Bros.  
Beh. Durgao Hotel, Sirvodem,  
Navelim-Goa.
3. Shri Gajanan Kenkre, Partner  
C/o Kenkre Metal Works,  
Opp. Naaz Hotel,  
Khareband Road,  
Margao-Goa.
4. Smt. Nirmala Suresh Kenkre,  
Partner, M/s Kenkre Bros.,  
Vasuwado, Benaulim-Goa.
5. Shri Vinayak Kenkre, Partner  
M/s Kenkre Bros., Vasuwado,  
Benaulim-Goa.

— Employer/  
/Party II

Workman/Party I — Represented by Shri K. V. Nadkarni.

Employer/Party II (1) (2) and (3) — Represented by Adv. Shri B. G. Kamat.

Employer Party II (4) and (5) — Represented by Adv. Shri. M. S. Bhandodkar.

Dated: 12-5-99.

## AWARD

In exercise of powers conferred by clause (d) of sub section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) the Government of Goa by order dated 22-9-94 bearing No. 28/35/94-LAB referred the following dispute for adjudication of this Tribunal.

"Whether the action of the management of M/s Kenkre Brothers, Margao in terminating the services of the following 17 workmen with effect from 1-1-93 is legal and justified?"

1. Madukar Sawal.
2. Shaikh Ismail.
3. Damu Lotlikar.
4. Nanda Chari.
5. Caitan Noronha.
6. Ashok Chari.
7. Francis Pinto.
8. Nagendral Mahale.
9. Marcus Ferrao.
10. Sanjay Chari.
11. Caitan Francis Fernandes.
12. Yeshwant Yellary Bhandre.

13. Inacio P. Fernandes.
14. Ires Vincent.
15. Caitano Fernandes.
16. Askok P. Volvoikar.
17. Sadanand Shirodkar.

If not, to what relief the workman is entitled?"

2. On receipt of the reference a case was registered under No. IT/100/94 and registered A/D notice was issued to the parties. In pursuance to the said notice the parties put in their appearance. The Workmen/Party I (For short "Workmen") filed their statement of claim at Exb. 2. The facts of the case in brief as pleaded by the workman are that the Party II (1) is a partnership firm of which the Party II (2) to (5) are its partners. That the Party II (1) firm was engaged in the business of fabrication, welding, turning and other allied works and the workmen were employed with the said firm. That Shri Suresh Kenkre, one of the partners of the Party II (1) firm died some years back and as such in his place his wife Smt. Nirmala Suresh Kenkre the Party II (4) in these proceedings was inducted as a partner. That thereafter dispute started between the partners which resulted into court litigation and subsequently on 29-11-94 at about 12.00 hrs. The shutters of the firm were pulled down without giving any notice to the workman and they were asked to go. That when the workmen contacted the Party II (2) Shri Mohan Kenkre, the Managing Partner, they were told that the dispute was the internal matter of the partners and workers would be paid their salary every month as it was expected that the dispute would be resolved shortly. That as per assurance given, the workmen were paid wages for the month of November and December 1992. That the workmen reported for duty everyday but they were not taken on duty nor steps were taken to terminate their services nor were paid their legal dues and from January, 1993 their wages also were not paid. That the workmen waited for about six months and thereafter served a notice dated 12th July, 1993 on the firm as well as on the partners and since no reply was received, a dispute was raised before the Dy. Labour Commissioner South Goa. The workmen contended that putting down the shutter of the firm without notice to them amounts to termination of service or closure which is illegal and hence they are entitled to reinstatement in service with full back wages. The workmen alternatively prayed that in case the employer firm and its partners decides to close down their business permanently they be directed to pay full back wages to the workmen till the date of communication of closure to the workmen and all other terminal benefits including gratuity.

3. The Party II (2) and (3) namely the partners Shri Mohan Kenkre and Shri Gajanan Kenkre filed the written statement at Exb. 3. They stated that impleading them as well as the other partners namely Party II (4) and (5) without amendment of the reference is unwarranted and illegal. They denied that the Party II (1) firm is in existence or was in existence on the date of the

reference. They stated that the Party II (4) Smt. Nirmala Kenkre had filed a Sp. Civil Suit No. 359/92/B in the court of Addl. Civil Judge Sr. Division Margao on or about 24-11-92 for dissolution and accounts of the firms and as per the order of the Hon'ble High Court of Bombay dated 7-4-93 passed in Appeal from order No. 8/93 the Party II (1) firm stood dissolved from 29-11-92 and pursuant to the said order Adv. Shri Mohan Redkar has been appointed as the receiver to take the charge of the assets, account books etc. of the firm for the purpose of winding up the affairs of the firm. They stated that the premises where the business was being carried on was sealed on 29-11-92 under the order of the Court. They stated that the partner Shri Mohan Kenkre after confirmation of the dissolution of the firm orally terminated the services of all the workmen on or about 7-4-93. They stated that subject to the provisions of the Partnership Act, 1932 and the Deed of Partnership the assets of the firm lying in the hands of the court receiver have to be applied in satisfaction of the liabilities if any under the Award to be made in the present reference. They stated that the shutters were pulled down as per the orders of the court by the bailiff of the court and the premises were sealed. They denied that the workmen were reporting at the workplace as alleged by them and stated that the workmen are gainfully employed elsewhere. They denied that the workmen are entitled to salary from 1-1-93 or that the closure is illegal or that they are entitled to any relief as claimed by them. They stated that the workmen are entitled to only terminal benefits till April, 1993.

4. The Party II (4) and (5) namely Smt. Nirmala Kenkre and Shri Vinayak Kenkre filed their written statement at Exb. 4. They stated that the reference is not maintainable because as on the date of the reference the Party II (1) firm was not in existence as it stood dissolved on 29-11-92 and as such the establishment is deemed to have been closed from the date of the dissolution of the firm. They stated that the High Court of Bombay while deciding the appeal from order bearing No. 8/93 has held that the firm stood dissolved from 29-11-92 and in pursuance to the said order, receiver has been appointed for the purpose of winding up. They stated that the work premises where the workmen were working was sealed on 29-11-92 under the order of the court. They stated that the workmen were aware of the dissolution of the firm and their services were terminated orally on dissolution of the firm, and therefore they are not entitled to any relief. They denied that the workmen were reporting for duty daily after the shutters were downed as alleged, and further stated that all the workmen are gainfully employed. They denied that the closure is illegal or that the workmen are entitled to salary from 1-1-93 or for any other relief as claimed. They stated that the only relief to which the workmen are entitled to is the computation of their terminal benefits till April, 1993 when their services were orally terminated. The workmen thereafter filed rejoinders at Exb. 5 and 6 to the written statements filed by the Party II (2) to (5).

5. On the pleadings of the parties following issues were framed at Exb. 7.

1. Whether Party I prove that the Party II terminated their services w. e. f. 1-1-93, which is illegal and unjustified ?
2. Whether Party II (2) and (3) prove that impleading of the Party II (2) and (5) in the above reference is illegal and unjustified ?
3. Whether Party II (2) and (3) prove that the Party II (1) firm is dissolved w.e.f. 29-11-92 and the establishment is permanently closed ?
4. Whether Party II (2) and (3) prove that the reference is not incompetent and liable to be rejected for not impleading Court Receiver as Party to the reference ?
5. Whether Party II (4) and (5) prove that the reference is not maintainable for the reasons stated in paras (a) and (b) and (c) of the Written Statement ?
6. Whether Party I is entitled to any relief ?
7. What Award ?

6. After the issue were framed the Party II (1) to (5) prayed that the issue No. 3 be tried as preliminary issue. After hearing the parties this Tribunal passed the order dated 16-8-96 holding that the issue No. 3 will not be decided as preliminary issue and that the same issue will be tried along with order issues. Thereafter the evidence of the workmen was partly recorded. The workmen examined two witnesses and when the case was fixed for their further evidence the parties filed an application dated 2-2-98 at Exb-12 admitting that the work place of the Party II (1) firm is closed on dissolution of the firm and as such the workmen are entitled to wages up to the date of closure of business/place of work and to other legal dues on such closure. In the said application the workmen admitted that they are not entitled to relief of reinstatement. The parties submitted that they would not lead any further evidence in the matter and prayed that the effective date of dissolution of firm be decided on the basis of the judgement dated 7th April, 1993 of the Hon'ble High Court of Bombay, Panaji-Bench in Appeal from order No. 8/93 and the reference be accordingly disposed of.

7. In view of the above application dated 2-2-98 filed by the parties, arguments were heard on the point of effective date of dissolution of firm and the relief to which the workmen are entitled. As per the application dated 2-2-98 Exb. 12, the parties have admitted the factual position that the business/work place of the Party II (1) firm is closed and that the workmen are not entitled to the relief of reinstatement.

The Party II (1) to (3) have produced the copy of the judgement of the Hon'ble High Court of Bombay, Panaji Bench dated 7th April, 1993 passed in Appeal from order No. 8/93. The appeal before the Hon'ble High Court had arose from the order passed by the Civil Judge Senior Division, Margao in Sp. Civil Suit No. 359/92/13 which was filed by the partner Mrs. Nirmala Kenkre against the other partners for dissolution of firm and accounts. In the Judgment dated 7th April, 1993 passed by the Hon'ble High Court in appeal from order No. 8/93 it has been held at para 14 as follows:

".... Once it is held that the partnership is at will, there can be no prevention for a party to approach the court for dissolution of the firm, in which event the dissolution will be on the date on which the last of the summons was served on the partners...."

At para 21 of the Judgement the Hon'ble High Court has further held as follows:

"..... I have already mentioned with reference to section 47 of the Partnership Act that once a view is taken that the partnership stands dissolved upon service of summons there can be no further business of the partnership and what can be done at the most is mere continuation of the unfinished work...."

8. In the present case the workmen examined two witnesses namely Shri Madhukar Sawal and Shri Sheikh Ismail. Both these witnesses have admitted in their evidence that the workshop was locked and sealed on 24th November, 1992 and thereafter it was never started. Both these witnesses have stated that the said lock was put by some persons from the court. Alongwith the copy of the Judgement of the Hon'ble High Court the Party II (1) to (3) have produced the copy of the show cause notice issued by the Civil Judge Senior Division, Margao. The said show cause notice is dated 24-11-92 and it is issued to the partners of the Party II (1) firm requiring them to show cause on 25-11-92 why the temporary injunction should not be granted. In the said show cause notice directions were given to the bailiff to seal the premises of the Party II (1) firm. As mentioned earlier the witnesses of the workmen have admitted that the workshop was sealed on 24-11-92 which indicates that the partners were served on 24-11-92 itself. Adv. Shri B. G. Kamat the learned Advocate for the Party II (1) to (3) had also submitted in the course of his arguments that the partners had received the summons from the court on 24-11-92. This being the case, as per the Judgement of the Hon'ble High Court of Bombay, Panaji-Bench, the relevant portion of which has been reproduced by me hereinabove, the Party II (1) firm stood dissolved from 24-11-92 and consequently the business also stood closed from that date.

9. It is the contention of Shri Nadkarni, the representative of the workmen, that the workmen are entitled to terminal benefits and wages upto 7th April, 1993 as the Party II have admitted in their written statements that the services of the workmen were

terminated on 7th April, 1993. He submitted that the workmen accepted closure from 7th April, 1993. It is true that the Party II (1) to (3) as well as Party II (4) and (5) in their respective written statements have stated that the services of the workmen were orally terminated on 7th April, 1993 and they are entitled to the terminal benefits till 7th April, 1993. However during the pendency of the present proceedings the parties arrived at an agreement for the disposal of the present reference and filed the application dated 2-2-98 Exb.12 which contained the terms and conditions agreed upon by the parties. As per the said application the workmen agreed that the work place of the Party II (1) firm is closed on dissolution of the said firm, and as such workmen are entitled to wages up to the date of the closure of the business/ place of work and to the legal dues on such closure. The workmen also agreed that they are not entitled to the relief of reinstatement. The parties agreed that they would not lead any further evidence in the matter and prayed that effective date of dissolution of firm be decided on the basis of the judgment dated 7th April, 1993 of the Hon'ble High Court of Bombay Panaji Bench in Appeal from order No. 8/93 and that the reference be accordingly disposed of. It can be therefore seen that as per the terms agreed upon between the parties, the workmen themselves agreed that they are not entitled to the relief of reinstatement and that they are entitled to wages up to the date of closure of business/work place and to other legal dues on such closure. The Parties also agreed that the effective date of dissolution of firm which is also the date of closure of business shall be decided by this Tribunal on the basis of the judgement dated 7th April, 1993 of the Hon'ble High Court of Bombay, Panaji-Bench. I have already considered the Judgement of the Hon'ble High Court and it has been held by me that the effective date of dissolution of the Party II (1) firm is 24-11-92 and that the business also stood closed from that date. The witnesses examined by the workmen in support of their case have also admitted that the persons from the court locked and sealed the work shop on 24-11-92 and thereafter the said work shop was never started again. This evidence lends support to the fact that the work place/business of the Party II (1) firm was closed permanently from 24-11-92. Therefore in view of the agreement between the parties mentioned in the application dated 2-2-98 Exb. 12, the workmen would be entitled to wages and other legal dues upto the date of the closure of business i.e. upto 24-11-92 and not thereafter. The workmen in their evidence have admitted that their wages have been paid for the month of November and December, 1992 which means that their wages were paid upto the date of closure i.e. upto 24-11-92 and consequently no wages are due the workmen from the date of closure. There is no evidence that closure compensation/benefit was paid to the workmen. This being the case the workmen are entitled to only closure compensation/benefits as provided under the provisions of Industrial Disputes Act, 1947, and I hold accordingly.

In the circumstances I pass the following order.

### ORDER

It is hereby held that there was no termination of services of the 17 workmen named in the schedule of reference from 1-1-93, but the Party II (1) firm M/s Kenkre Bros. Margao stands dissolved from 24th November, 1992 and consequently its business also stands close from 24th November, 1992. It is hereby further held that the said 17 workmen are entitled to only closure compensation/benefits arising out of closure of business which is on account of the dissolution of the firm M/s Kenkre Bros. Margao.

No order as to costs.

Inform the Govt. accordingly.

Sd/-  
(Ajit J. Agni)  
Presiding Officer,  
Industrial Tribunal:

### Notification

No. CL/ERA/AC/7/93/3993

In exercise of the powers conferred by section 6 of the Equal Remuneration Act, 1976 (Central Act 25 of 1976) and in supersession of Government Notification No. 21-12/89-LAB dated 25-6-1993, the Government of Goa hereby re-constitutes the Advisory Committee consisting of the following persons to advise the Government with regard to the extent to which women may be employed in such establishments or employments as the Central Government may, by Notification specify in this behalf.

- (1) The Hon'ble Labour Minister, ... Chairman  
Secretariat, Panaji-Goa.
- (2) The Labour Secretary, ... Member  
Secretariat, Panaji-Goa.
- (3) The Secretary (Revenue), ... Member  
Secretariat, Panaji-Goa.
- (4) The Director of Social ... Member  
Welfare, Panaji-Goa.
- (5) The Representative of ... Member  
State Social Welfare  
Board, Panaji-Goa.
- (6) Representative of State ... Lady Member  
Social Welfare Board,  
Panaji-Goa.
- (7) Smt. Ashwini Naik, ... Lady Member  
Sankre Bhag. Shiroda-Goa.
- (8) Smt. Aparna Garudi, ... Lady Member  
Oxel, Siolim-Goa.

(9) Smt. Ramabai Revonkar, ... Lady Member  
Kurti, Ponda-Goa.

(10) Smt. Sonia Asnodkar, ... Lady Member  
Aradi, Porvorim-Goa.

(11) Commissioner, Labour, ... Member  
Panaji. Secretary.

By order and in the name of the Governor of Goa.

R. S. Mardolker, Commissioner, Labour and Ex-Officio  
Joint Secretary.

Panaji, 9th August, 2000.

### Department of Law & Judiciary

(Establishment Division)

### Order

No. LS/1077/93-LD (Estt.) PF-I

Read:-Government Order No. LS/1077/93-LD (Estt.) PF-I dated 28-9-99. Government is pleased to accept the resignation tendered by Shri Nitin N.N.P. Sardessai, Advocate from the post of Addl. Government Advocate in the High Court of Bombay, Panaji Bench with effect from 24-7-2000.

By order and in the name of the Governor of Goa.

Ashok N. P. Dessai, Under Secretary (Law).

Panaji, 8th August, 2000.

### Notification

No. 5-40-2000/LD (Estt.) 2

In exercise of the powers conferred by section 3 of the Notaries Act, 1952 (Central Act 53 of 1952) read with Rule 7 of the Notaries Rules, 1956, the Government of Goa is pleased to appoint Shri Shantaram Vassudev Kudchodkar, as a Notary for a period of five years in Quepem Taluka with effect from 3-8-2000.

By order and in the name of the Governor of Goa.

Ashok N. P. Dessai, Under Secretary (Law).

Panaji, 3rd August, 2000.

## Certificate of Practice

No. 5/40/2000/LD (Estt.) (1)

In partial modification of Certificate of Practice of even number dated 6-4-2000 issued under the provisions of Notaries Act, 1952 (Central Act 53 of 1952) and the Notaries Rules, 1956 made thereunder, Government is pleased to extend the jurisdiction of practice of Shri Mahendra Vassudev Gawas to Sanguem Taluka also.

By order and in the name of the Governor of Goa.

Ashok N. P. Dessai, Under Secretary (Law).

Panaji, 7th August, 2000.

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Department of Mines

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**Order**

No. 5/5/90-MINES

In exercise of the powers conferred by section 23 of the Mines and Minerals (Regulation and Development) Act, 1957 (Central Act 67 of 1957) (hereinafter called the "said Act"), the Government of Goa hereby authorises the following officials of the Directorate of Industries and Mines, Government of Goa, to exercise the powers under said section 23 B of the said Act, with immediate effect.

- (1) Director of Industries and Mines.
- (2) Senior Technical Assistant.
- (3) Assistant Geologist.

By order and in the name of the Governor of Goa.

L. F. Correia, Joint Secretary (Mines).

Panaji, 8th August, 2000.

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Department of Personnel

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**Order**

No. 6/4/91-PER

- Read: 1. Govt. Order No. 6/4/91-PER dated 3-7-1996.
2. Govt. Order No. 6/4/91-PER dated 14-8-1996.

Whereas on the recommendation of the Departmental Promotion Committee, the Junior Grade Officers of Goa Civil Service were promoted to the post of Senior Grade of the said Service vide Orders referred to at (1) and (2) above.

And whereas the recommendation in respect of Shri Armando Mascarenhas in the above two Departmental Promotion Committees were kept in

sealed cover because of the disciplinary proceedings pending against him;

And whereas Shri Mascarenhas has been exonerated from the articles of charge framed against him by the Government vide Order No. 15/4/91-VIG (A) /917 dated 2-8-2000 from the Directorate of Vigilance;

Consequent upon being exonerated of the articles of charge and on opening of the recommendation of the D. P. C. contained in the sealed cover in respect of Shri Armando Mascarenhas, Senior Grade Officer of Goa Civil Service (ad hoc), the Governor of Goa is pleased to promote Shri Armando Mascarenhas under Rule 30 of Goa Civil Service Rules, 1967 as amended from time to time, to the Senior Grade of the said Service on regular basis in the pay scale of Rs. 3000-4500 (pre-revised) with effect from 3-7-1996.

Shri Mascarenhas is placed in the Order dated 14-8-1996 between Shri Ganesh Chimulkar and Shri G. G. Kambli as per the merit of D.P.C.

This Order will be subject to the Orders/Judgement of the High Court in Writ Petition No. 219/95 and 17/96.

By order and in the name of the Governor of Goa.

D. M. Borkar, Under Secretary (Personnel).

Panaji, 8th August, 2000.

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**Order**

No. 4-26/88-PER

Dr. M. Modassir, Joint Secretary (Higher Education) shall look after the charge of the post of Director of Education, in addition to his own duties, until further orders.

By order and in the name of the Governor of Goa.

D. M. Borkar, Joint Secretary (Personnel).

Panaji, 9th August, 2000.

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Department of Planning

Directorate of Planning, Statistics & Evaluation

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**Order**

No. 4-14-92/PLG/DPSE/454

On recommendation of Goa Public Service Commission as communicated vide their letter No. COM//II/11/38(1)/93 dated 26-07-2000, the Governor is pleased to promote the following Statistical Assistants of Common Statistical Cadre as Research Assistants Group 'B' Gazetted in the pay scale of Rs. 5500-175-9000

on regular basis with immediate effect and posted in following departments:-

Sr.No.	Name of Officer	Place of posting
1.	Shri M. R. Lotlikar	Directorate of Agriculture, Panaji against the vacancy of Shri J. R. Rege promoted.
2.	Shri S. G. Gaonkar	Directorate of Planning, Statistics & Evaluation, Panaji against the vacancy of Shri A. D. Narvekar promoted.
3.	Shri R. P. Naik	Directorate of Planning, Statistics & Evaluation, Panaji against the vacancy of Shri A. K. Nagvekar promoted.
4.	Shri V. D. Tarkar	Directorate of Fisheries, Panaji against the vacancy of Shri R. B. Prabhu retired.
5.	Shri S. F. Sawant	Directorate of Planning, Statistics & Evaluation, Panaji against the vacancy of Smt Celeste Souza retired.
6.	Shri M. R. N. Kadam	Commissioner for Labour, Panaji against the vacancy of Smt. Maria F. D'Saldana promoted.
7.	Shri G. J. X. Gaundalkar	Directorate of Animal Husbandry & Vet. Services, Panaji against the vacancy of Shri C. B. X. Pankar.
8.	Shri V. P. Signapurkar	Directorate of Planning, Statistics & Evaluation, Panaji against the newly created post vide order No. 4/3/92-PLG-DPSE dated 1-1-1998.

The above officers will be on probation for a two years from the date of their promotion.

By order and in the name of the Governor of Goa.

Dr. K. S. R. V. S. Chalam, Director & Ex-Officio Joint Secretary (Planning).

Panaji, 2nd August, 2000.

## Department of Public Health

### Order

No. 23/12/96-I/PHD (Part file)

On recommendation of the Goa Public Service Commission as conveyed vide their letter No. COM/II/11/24 (2)/2000 dated 21-7-2000, Government is pleased to promote Dr. Maria Odette Sequeira, Health Officer, Urban Health Centre, Vasco to the post of Chief Medical Officer, District Immunization Officer in the Directorate of Health Services on regular basis with immediate effect in the pay scale of Rs. 10,000-325-15200 with pay protection as per rules and post her as Chief Medical Officer cum District Immunization Officer in the State Family Welfare Bureau, Directorate of Health Services, Panaji vice Dr. Bharati Vijayan retired.

Dr. Maria Odette Sequeira will be on probation for a period of two years from the date of her taking charge of the post.

By order and in the name of the Governor of Goa.

T. J. Faleiro, Joint Secretary (Health).

Panaji, 1st August, 2000.

### Order

No. 7/21/91-I/PHD

On recommendation of the Government, the following Doctors are promoted on ad hoc basis to the post of Dy. Directors in the pay scale of Rs. 10,000-325-15,200 under the Directorate of Health Services and posted at the places shown against them with immediate effect for a period of six months, or till the posts are filled on regular basis, whichever is earlier.

Sr. No.	Name & present posting of the doctor	Designation & place of posting on promotion
1	2	3
1.	Dr. Emerico D'Souza, Chief Medical Officer, State Family Welfare Bureau, Directorate of Health Services Panaji. retired.	Medical Supdt. cum Deputy Director, Asilo Hospital, Mapusa, vice Dr. P. S. Nadkarni
2.	Dr. Jayesh Kudchadkar, Senior Surgeon, Hospicio Hospital, Margao.	Dy. Director (Medical) D. H. S., Panaji vice Dr. Bhicaji Ghanekar retired.

The promotions will not bestow on the officers a claim for regular appointment and the services rendered on ad hoc basis in the grade would not count for the



purpose of seniority in that grade or eligibility for promotion to the next higher grade.

By order and in the name of the Governor of Goa.

*T. J. Faleiro*, Joint Secretary (Health).

Panaji, 2nd August, 2000.

## Department of Public Works

### Order

No. 34/2/98/CE-PWD-ADM (II)/P.F./148

Government is pleased to promote Shri Uttam P. Parsekar, Assistant Engineer (Civil) to the post of Executive Engineer (Civil), in the pay scale of Rs. 10,000-325-15,200 in Public Works Department against the reserved vacancy for Scheduled Castes, with immediate effect, initially for a period of six months.

The above promotion is purely on ad hoc basis and will not bestow any claim for regular promotion and the services rendered on ad hoc basis in the grade will not count for the purpose of seniority in the grade and eligibility for promotion to the next higher grade.

His posting order will be issued separately.

By order and in the name of the Governor of Goa.

*T. K. Mohandas*, Chief Engineer, PWD & Ex-Officio Addl. Secretary.

Panaji, 4th August, 2000.

## Department of Revenue

### Order

No. 3/1/2000/RD (158)

Whereas, the Mamlatdar of Bicholim has submitted report to the Collector, North Goa District (Civil Administration Branch), Panaji, stating therein that the Managing Committee of Devalaya Shree Shanta Durga Devasthan, Bicholim, had taken a decision to take out Palki procession of Goddess Shree Shanta durga from "Nava Somavar" which was held on 13-12-1999, from Laximi Narayan Math at Antil Peth, Bicholim instead of Temple premises at Gauncarwada, Bicholim, and accordingly every Monday the Palki procession was being taken from Laximi Narayan Math at Antil Peth, Bicholim instead of Temple premises, and;

Whereas, Clause 1 of Article 7 and Article 14 of bye-laws of Devalay of a Shantadurga Bicholim

provides that "Navo Somavar" shall be celebrated in the month of Kartika or during the first week of the month of Marshirsh the latest. This will consist of procession of Palki from the Devalaya upto the "Satcho Vad" (Bhaili Peth) and back.

Whereas, the act of the Managing Committee of the Devasthan of taking Palki procession from Laxmi Narayan Math premises instead of Temple premises at Gauncarwado is violative of the Byelaws of the Devalaya Regulation and,

Whereas, for this illegal act of the Managing Committee a show cause notice was issued to it vide show cause notice dated 20-4-2000 to show cause under Article 44 of the Devasthan Regulation in force as to why the Managing Committee should not be dissolved in one of the following grounds:

1. To have cognizance by inquiry or inquest in which they may be heard that their management is harmful to the interest of the associations that they manage;
2. Any disobedience to legitimate warnings or orders of authority, without prejudice of criminal proceedings when they may be admissible;
3. Non-presentation of the Budget in the legal time limit and terms;
4. Non-rendering of accounts in conformity with Law; and

Whereas the representation dated 6-5-2000 made by the said Devasthan Committee against the show cause notice was considered by the Government and a personal hearing was also given to the President of the Managing Committee of Shree Shantadurga Devasthan Bicholim on 23-6-2000 and,

Now, therefore, keeping in view the need to maintain proper and smooth conduct of the affairs of the said Devasthan, the Government after careful consideration of the case is satisfied that the continuance of existing Managing Committee will be detrimental to the interests of the said Devasthan.

The Government now, therefore, in exercise of the powers conferred by the Article 44 of the Legislative Diploma No. 645 dated 30-3-1933, after prior consultation, hereby dissolve with an immediate effect the existing elected committee of Temple Shri Shantadurga Devasthan, Bicholim. The mamlatdar of Bicholim is hereby appointed to look after the affairs of the Devasthan till further orders.

By order and in the name of the Governor of Goa.

*D. M. Borkar*, Under Secretary (Revenue).

Panaji, 11th August, 2000.

**Notification**

No. 22/27/2000-RD

Whereas it appears to the Government of Goa (hereinafter referred to as "the Government") that the land specified in the Schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. for construction of road from Ollembhat Umborim to Ambulor in V. P. Verna (addl. area).

Now, Therefore, the Government hereby notifies, under sub-section (1) of section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contract for the disposal of the said land by sale, lease, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed under paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under section 6 of the said Act will be published in the Official Gazette and in two daily newspapers and public notice thereof shall be given in due course. If the acquisition is abandoned wholly or in part, the fact will also be notified in the same manner.

4. The Government further appoints, under clause (c) of section 3 of the said Act, the Dy. Collector (LA), Margao to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government also authorises under sub-section (2) of section 4 of the said Act, the following Officers to do the Acts, specified therein in respect of the said land.

1. The Collector, South Goa District, Margao.
2. Deputy Collector (LA), Margao.
3. Executive Engineer, PWD, Div. VI, Fatorda, Margao.
4. Director of Settlement & Land Records, Panaji.

6. A rough plan of the said land is available for inspection in the Office of the Dy. Collector (LA),

Margao for a period of 30 days from the date of publication of this Notification in the Official Gazette.

**SCHEDULE**

(Description of the said land)

Taluka: Salcete

Village: Verna

Survey No./ Sub-Div. No.	Names of the persons believed to be interested	Approx. area in sq. mts.
1	2	3
146/8 part	O: Simao Pereira.	287
146/9 part	O: Rafael Araujo.	155
146/11 part	O: 1) Joao Costa. 2) Camilo Costa. 3) Caetano Costa.	138

**Boundaries:**

North:- Survey No. 146/6 (Nala).

South:- Survey No. 146/6 (Nala),  
146/12.

East:- Survey No. 146/8, 9, 11.

West:- Survey No. 146, 9, 11, 8.

Total: ..... 580

By order and in the name of the Governor of Goa.

J. V. Pednekar, Under Secretary (Revenue).

Panaji, 28th July, 2000.

**Notification**

No. 22/3/2000-RD

Whereas it appears to the Government of Goa (hereinafter referred to as "the Government") that the land specified in the Schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. for construction of road from Ambdem to Kuddai (part-I) in V. P. Cola.

Now, Therefore, the Government hereby notifies, under sub-section (1) of section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contract for the

disposal of the said land by sale, lease, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed under paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under section 6 of the said Act will be published in the Official Gazette and in two daily newspapers and public notice thereof shall be given in due course. If the acquisition is abandoned wholly or in part, the fact will also be notified in the same manner.

4. The Government further appoints, under clause (c) of section 3 of the said Act, the Dy. Collector/SDO, Quepem to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government also authorises under sub-section (2) of section 4 of the said Act, the following Officers to do the Acts, specified therein in respect of the said land.

1. The Collector, South Goa District, Margao.
2. Dy. Collector/SDO, Quepem.
3. Executive Engineer, Div. XXV(R), PWD, Fatorda, Margao.
4. Director of Settlement & Land Records, Panaji.

6. A rough plan of the said land is available for inspection in the Office of the Dy. Collector/SDO, Quepem for a period of 30 days from the date of publication of this Notification in the Official Gazette.

#### SCHEDULE

(Description of the said land)

Taluka: Cancaona

Village: Cola

Survey No./ Sub-Div. No.	Names of persons believed to be interested	Approx. area in sq. mts.
1	2	3
71/1	1) Raghunath Purshottam Prabhu Dessai.	1300
71/2	1) Betu Puthu Gaonkar. 2) Kumo Puthu Velip. 3) Janu Molu Velip.	1000
71/3	1) Ganesh Vishwanath Prabhu Dessai. 2) Shrinivas Vishwanath Prabhu Dessai. 3) Achut Vishwanath Prabhu Dessai.	950
71/4	1) Balaji Bhagorent Concer	525
71/5	1) Pandurang Marto Naik.	700
71/6	1) Keptu Bhagdo Gaonkar.	700

1	2	3
71/10	1) Ram Chandru Pandurang Naik.	700
72/1	1) Govt. of Goa, Daman & Diu.	1050
73/5	1) Sonu Vithoba Velip. Tenant: Vithoba Sonu Velip.	200
28/1	1) Deu Bhagdo Gaonkar.	2450
29/2	1) Mono Shiv Velip. 2) Chandru Shiv Velip. 3) Oddo Shiv Velip. 4) Sonu Vithoba Velip. 5) Tolu Sonu Velip. 6) Sukdo Ladu Velip. 7) Govind Ladu Velip. 8) Bhiv Ladu Velip. 9) Mhalu Ladu Velip. 10) Puno Ladu Velip.	850
29/3	1) Deu Bhagdo Velip.	900
29/4	2) Betu Putu Velip.	200
29/5	1) Kano Pauro Velip. 2) Janu Mahalu Velip.	300
29/6	1) Bombo Narayan Devidas. 2) Ratnakar Narayan Devidas.	2600
30/1	1) Bhiva Velip.	2100

#### Boundaries:

North: S. No. 30.

South: Nala.

East: S. No. 71/1 to 5, 28,  
29/2 to 5.

West: S. No. 711 to 5, 28,  
29/2 to 6, 30.

Total: ..... 16525.00

By order and in the name of the Governor of Goa.

J. V. Pednekar, Under Secretary (Revenue).

Panaji, 28th July, 2000.

#### Notification

No. 22/77/2000-RD

Whereas it appears to the Government of Goa (hereinafter referred to as "the Government") that the land specified in the Schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. for construction of road from Volvoi to Sateribhat in V. P. Volvoi in Priol Constituency.

Now, Therefore, the Government hereby notifies, under sub-section (1) of section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contract for the disposal of the said land by sale, lease, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed under paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under section 6 of the said Act will be published in the Official Gazette and in two daily newspapers and public notice thereof shall be given in due course. If the acquisition is abandoned wholly or in part, the fact will also be notified in the same manner.

4. The Government further appoints, under clause (c) of section 3 of the said Act, the Land Acquisition Officer, P. W. D. (Cell), Altinho, Panaji to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government also authorises under sub-section (2) of section 4 of the said Act, the following Officers to do the Acts, specified therein in respect of the said land.

1. The Collector, North Goa District, Panaji.
2. Land Acquisition Officer, P. W. D. (Cell), Altinho, Panaji:
3. Executive Engineer, Div. XVIII (R), P. W. D., Ponda.
4. Director of Settlement & Land Records, Panaji.

6. A rough plan of the said land is available for inspection in the Office of the Land Acquisition Officer, P. W. D. (Cell), Altinho, Panaji, for a period of 30 days from the date of publication of this Notification in the Official Gazette.

#### SCHEDULE

(Description of the said land)

Taluka: Ponda

Village: Volvoi.

Survey No./ Sub-Div. No.	Names of the persons believed to be interested	Appx. area in sq. mts.
1	2	3
1/6 part H:	Ratnakar Jaiwant Surlakar. Ramdas R. Nagvekar. Nagbendra R. S. Nagvekar.	200
1/7 part H:	Keshav Laxman Volvoikar. Nagbendra R. S. Nagvekar. Ramdas R. Nagvekar.	100
11/1 " H:	Vinayak Vishnu Kamat. Vithal Bhagwant Kamat. Pandurang Datta Kamat. Sadanand Naguesh Kamat.	25

1	2	3	4
11//1 part H:	Mohanlal Damu Kamat. Subraya Saji Kamat. Shantaram Purushottam Kamat. Shripad Mahadev Kamat. Ramchandra Mahadev Kamat. Pundalik Jagannath Kamat. Raghuvir Jagannath Kamat. Voikunt Datta Kamat. Shrikrishna Kashinath Kamat. Balchandra Naguesh Kamat. Chandrakant Naguesh Kamat. Yeshwant Naguesh Kamat. Jaiwant Naguesh Kamat. Noronha Damu Kamat. Mangaldas Saji Kamat. Ramnath Saji Kamat. Premnath Purushottam Kamat. Shashikant Purushottam Kamat. Babi Purushottam Kamat. Keshav Vaman Kamat.		
11/4 part H:	Jaganath Saju Tari. Anant Puna Tari.		100
11/3 " H:	Vinayak Vishnu Kamat.		36
13 " H:	Alvinho Placido Rodrigues. Antonio Pedro Sebastiao Rodrigues.		1100
14/16 " H:	Ramkrishna Sukdo Naik. Shankar Tano Naik. Namdev Surya Naik. Ramakant Babu Naik. Maddho Mogo Naik. Vinayak Sukdo Naik. Vassu Surya Naik. Mahadev Surya Naik.		25
14/15 " H:	Voikunt Laxman Sinai Singbal. Shripad Laxman Sinai Singbal. Shaba Chandroba Sinai Singbal. Kashinath Laxman Sinai Singbal. Chandrakant Gangaram Sinai Singbal. Manguesh Raghunath Sinai Singbal. Vassant Raghunath Sinai Singbal. Balkrishna Raghunath Sinai Singbal. Sadanand Shivram Sinai Singbal. Ramesh Yeshwant Sinai Singbal. Rama Shabhu Sinai Singbal. Gurudas Rauji Sinai Singbal. Prakash Rauji Sinai Singbal.		25
14/14 " H:	Shankar Tano Naik. Namdev Surya Naik. Ramakant Babu Naik. Maddho Mogo Naik. Vinayak Sukdo Naik. Vassu Surya Naik. Mahadev Surya Naik.		75
14/13 " H:	Ganapat Vassudev Patil.		75
14/12 " H:	Namdeo Surya Naik. Kanta Vithal Naik. Dattaram Vitthal Naik. Mangesh Vitthal Naik.		50

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